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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,126	09/28/2001	Victor Key Pecone	4430-29	4944
22442	7590	03/07/2005	EXAMINER	
			VO, TIM T	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202		ART UNIT		PAPER NUMBER
		2112		

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/967,126	PECONE, VICTOR KEY	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tim T. Vo	2112	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 September 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-10 is/are allowed.
- 6) Claim(s) 11-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/23/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

This application has been examined. Claims 1-17 are pending.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-17 are rejected under 35 U.S.C. § 102(b) as being anticipated by Liron patent number 4,428,044 referred hereinafter "Liron".

As for claim 11, Liron teaches a method for sharing data between a first controller memory module and a second controller memory module (see figure 2, DMA 212-213), comprising: providing a first shared path in a first channel interface module (see figure 2, bus 217) and a direct memory access engine in each of said first and second controller memory modules (see figure 2, DMA 212-213); and transferring data between said first controller memory module and said second controller memory module using said direct memory access engine using said first shared path (see figure 2, DMA 212-213, bus 217).

As for claim 12, Liron teaches providing a second shared path in a second channel interface module (see figure 2, bus 216); and transferring data between said first controller memory module and said second controller memory module using said direct memory access engine via said second shared path (see figure 2, bus 216, DMA 212-213).

As for claim 13, Liron teaches connecting said first and second channel interface modules and said first and second controller memory modules to a passive backplane (see figure 2).

As for claim 14, Liron teaches an apparatus for sharing data between a first controller memory module and a second controller memory module, comprising: at least a first channel interface module having a first shared path (see figure 2, bus 217); a first controller memory module including a first direct memory access engine (see figure 2, DMA 212); a second controller memory module including a second direct memory access engine (see figure 2, DMA 213); and a communications interface to permit direct communications between said first and second controller memory modules (see figure 2, bus 217); wherein data is transferred between said first and second controller memory modules using at least one of said first and second direct memory access engines and said first shared path (see figure 2, DMA 212-213).

As for claim 15, Liron teaches wherein: said second channel interface module has a second shared path (see figure 2, bus 216).

As for claim 16, Liron teaches wherein: said communications interface includes a passive backplane (see figure 2).

As for claim 17, Liron teaches wherein: said passive backplane includes at least first and second peripheral component interconnect (PCIX) buses (see figure 2, peripheral bus 208).

### ***Allowable Subject Matter***

Claims 1-10 are allowable over the prior of records.

### ***Examiner's Statement of Reasons for Allowance***

The following is an Examiner's statement of reasons for the indication of allowable subject matter: Claims 1-10 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior arts. As for claim 1, prior art fails to teach at least first and second controller memory modules, connected to the passive backplane, that communicate with the channel interface modules via the passive backplane, and that store and process the storage transferred to and from the channel modules. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim T. Vo whose telephone number is 571-272-3642. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



3/4/05

Tim T. Vo  
Primary Examiner  
Art Unit 2112